

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, October 9, 2012**  
**7:30 p.m. – 9:08 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Kabir, Catlin, Dennis, Stullich, Day, Afzali and Mitchell.

**ABSENT:** Councilmember Wojahn.

**ALSO PRESENT:** Steve Groh, Acting City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Bob Ryan, Director of Public Services; Joshua Ratner, Student Liaison

Mayor Fellows opened the meeting at 7:30 p.m. Councilmember Kabir led the pledge of allegiance.

**Minutes:** A motion was made by Councilmember Catlin and seconded by Councilmember Mitchell to adopt the minutes of the September 25 Regular Meeting. The motion passed 7 – 0 – 0.

**Announcements:**

Councilmember Kabir said the North College Park Citizens Association would meet on Thursday, October 11 at 7:30 p.m. at Davis Hall.

Councilmember Catlin said the Berwyn District Civic Association would meet on Thursday, October 18 at 8:00 p.m. at Fealy Hall. On Saturday October 20, the Oktoberfest Bonfire will be held.

Councilmember Dennis said on Thursday, October 11, at 7:30 p.m. the Lakeland Civic Association would hold their monthly meeting at the College Park Community Center.

Councilmember Mitchell announced that the West College Park Civic Association would hold their meeting on Sunday at 7:00 p.m. at the Clubhouse on Marlborough Way.

**Proclamations:** Mayor Fellows read the Nonprofit Awareness Proclamation.

**Amendments to the Agenda:** Councilmember Afzali moved Ordinance 12-O-09 to the Consent Agenda.

**City Manager's Report:** Mr. Groh said the Public Works yard will be open for City residents to drop off bulky trash, recycling or yard trim on Saturdays October 13 and 20. Shredding will occur on October 13.

**Student Liaison's Report:** Mr. Ratner announced that the SGA would hold a marriage equality rally on Thursday, October 11 from 3 – 5 p.m.

**Comments from the Audience on Non-Agenda Items:**

**Rebecca Hayes, 7205 Rhode Island Avenue:** She was representing CHUM, Cooperative Housing at the University of Maryland. November 9 at 7:30 is the Fancy People's Potluck for anyone who wants to come out and learn about housing cooperatives. There are six houses in the cooperative at this time housing about 42 people.

**Presentations:** Planning Director Terry Schum provided Council with the background on the status of the proposed development at the Maryland Book Exchange property and then presented revised architecture that was submitted by the applicant. Gary Michael and Steve Gresham were representing the applicant.

Background: On September 13, the Planning Board held a Public Hearing on the remand from the District Council on the Detailed Site Plan application. It was approved by the Planning Board with a few conditions. The City opposed the Plan that was presented to the Planning Board, and offered some proposed alternatives to building form and massing, but they were not accepted by the Planning Board. Shortly after the Public Hearing, the applicant contacted staff to say they were looking at one of the alternatives that the City presented to the Planning Board and wanted to talk further about that alternative because they thought there might be a meeting of the minds. Meanwhile, the District Council has scheduled their Public Hearing on the matter on October 30. The end of the Planning Board appeal period is October 22. The City has not yet submitted an appeal.

Ms. Schum then went through a slide presentation of the revised architecture that was submitted by the applicant and compared the before-and-after renderings. She then reviewed the City's conditions. The revised architecture addresses the form and massing issues raised in Condition #1. Condition # 2 (revise the building at the corner of Route 1 and College Avenue...) has not been met. Condition #3 (reduce the use of Hardi Panel and improve the vertical articulation by providing symmetry ...) they did add more brick but the symmetry was not addressed. Condition #4 (metal towers on front façade) is done. Condition #5 – floor plans have not been provided so she cannot tell if this condition has been addressed. Condition #6 is being addressed with the University of Maryland and does not need to remain as a condition.

Council asked questions of Mr. Gresham and Mr. Micheal, and asked again to receive the floor plans.

**Comments from the audience:**

**Jim McFadden, 4800 Calvert Road:** This is a pleasant surprise but he needs time to study it further. He is less concerned about the interior configurations and more concerned about a six story blank wall.

**Kathy Bryant, 7406 Columbia Avenue:** She expressed surprise to see this and feels it represents a slight improvement. She still has issues with the density and architecture. The Old Town Civic Association previously voted to support the two building proposal. 875 beds is still too many for Old Town.

**Nigel Key, 4710 College Avenue:** While this is an improvement over the previous plan, he still believes the basic elements and characteristics haven't changed substantially and he still opposes it. It would add hundreds of rental units that would double the student population in Old Town which would harm the neighborhood.

**Kelly Lueschow, 4715 Norwich Road:** She doesn't see this as a compromise, but as a beginning. We don't need to have six stories along Route 1. It's not good enough. It would add too many students to Old Town.

**Eve Müller, 4710 College Avenue:** This is preferable to the original proposal but doesn't go far enough. She wished the developer had accepted the two building solution. This entire application and appeal process at the County level has been riddled with problems with protocol and what appears to be behind-the-scenes political maneuvering. She has concerns about the appropriateness of this development for the neighborhood and of the precedent this sets for the corridor.

Mayor Fellows summarized that this topic will come back to next Tuesday's Worksession then Council will consider a motion the following week.

**Consent Agenda:**

**A motion was made by Councilmember Dennis and seconded by Councilmember Afzali to adopt the Consent Agenda, which consisted of the following:**

- 12-G-106**      **Approval of a letter to the Prince George's County Council's Planning, Zoning, and Economic Development Committee (PZED) in opposition to the current form of County Bill 79 (An Ordinance concerning Transit-Oriented Commercial Development for the purpose of amending the development approval requirements to enhance opportunities for commercial development in close proximity to transit stations in Prince George's County) and County Bill 80 (An Act concerning Subdivisions – Transportation Adequacy – Transit-Oriented Commercial Development for the purpose of authorizing the Planning Board to make a finding of transportation adequacy for development proposals within a one-half mile radius of a transit station located entirely within certain commercial, industrial, Mixed Use or Comprehensive Design Zones, or in combination thereof).**
- 12-G-107**      **Approval of a letter to the Prince George's County Council's Planning, Zoning, and Economic Development Committee (PZED) in support of County Bill 75: An Ordinance concerning the Mixed-Use Town Center (M-U-TC) Zone for the purpose of requiring detailed site approval for certain development projects in the Mixed-Use Town Center (M-U-TC) Zone.**

- 12-R-20      Resolution of the Mayor and Council of the City of College Park, Maryland Establishing Guidelines For Waiver Of City Fees For Use Of Recreation Facilities**
- 12-G-108      Approval of the Recognition Agreement between the University of Maryland and the City of College Park regarding access for THC UDR Domain College Park, LLC, Development to/from Mowatt Lane in substantially the form as attached, and Authorization for the City Manager to sign the Agreement, and Acceptance of the Recognition Agreement as Satisfaction of Condition 19 of the Declaration of Covenants, as Amended.**
- 12-R-19      Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission And Granting Departure Application Number CPD-2012-01, 4611 College Avenue, Alpha Tau Omega House Corporation, For A Departure Of 7 Parking Spaces From The Required 20 Spaces**
- 12-O-09      An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 102, “Dogs And Other Animals”, §102-1, “Definitions”, §102-2, “Notification Of Violation”, And §102-5, “Complaints” And Deleting §102-9 “Vicious Animals That Are Not Impounded” And §102-13 “Animal Control Board” To Discontinue The Animal Control Board**

**The motion carried 7 – 0 – 0.**

**Action Items:**

- 12-G-110      Award of contract to D&F Construction, Inc. of Forestville, MD in an amount not-to-exceed \$479,202.00 for CP-12-03, College Park Trolley Trail Phase IV Construction (Calvert Road to Paint Branch Parkway) subject to SHA approval.**

**A motion was made by Councilmember Stulich and seconded by Councilmember Catlin to award a contract to D&F Construction, Inc. of Forestville, Maryland for the construction of the College Park Trolley Trail Phase IV Construction and related road improvements to Rhode Island Avenue in Old Town in the amount of \$399,334.75 plus a 20% contingency, for a total not-to-exceed price of \$479,202.00, subject to State Highway Administration (SHA) Concurrence in Award, and authorize the City Manager to execute the contract. Funding for this contract will be provided through various project transfers within the FY13 Capital Improvement Program (C.I.P.). This project, previously scheduled as a special assessment, will be funded by a \$200,000 Transportation Enhancement Program (TEP) federal grant and City funding.**

Councilmember Stulich said this is another important segment of the College Park Trolley Trail which has been a priority for the Council. She is pleased to see it moving forward. This project includes the segment in Old Town. The expected completion date is mid-summer of 2013.

There were no comments from the audience.

Councilmember Catlin said this was first discussed 10 years ago and it is great to see it moving forward. There is a small segment in Lakeland still to come.

Mayor Fellows said this item was before the Council for the entire six years that he served and he is pleased to see it move forward.

**The motion carried 7 – 0 – 0.**

**12-G-111      Approval of a PY 39 CDBG Application to the Prince George's County Department of Housing and Community Development requesting \$176,000 for street resurfacing and sidewalk construction on Norwich Road in the Old Town neighborhood.**

**A motion was made by Councilmember Day and seconded by Councilmember Mitchell that that the City Council authorize the filing of an application to the Prince George's County Department of Housing and Community Development requesting \$176,000 in Community Development Block Grant (CDBG) funding for Program Year 39 for street resurfacing and sidewalk construction in the Old Town neighborhood.**

Councilmember Day said that Program Year 39 CDBG applications are due to Prince George's County by October 15, 2012. Street resurfacing and sidewalk construction on Norwich Road between Princeton Avenue and Columbia Avenue has been identified as a priority within the City's FY 2013 Pavement Management Plan. The Washington Suburban Sanitary Commission has scheduled work on Norwich Road and the funds requested will help to restore the road when repairs are completed. The proposed project is an eligible CDBG activity that meets the national objective of area-wide benefit to low and moderate income persons.

There were no comments from the audience or from the Council

**The motion carried 7 – 0 – 0.**

**12-G-112      Appointments To Boards and Committees**

**A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell for the following appointments to the Neighborhood Stabilization and Quality of Life Workgroup: Kelley Leuschon, Lisa Miller, Paul Carlson, David Colon Cabrera, Suchitra Balachandran, Jonathan Molinatto and Robert Thurston. The motion carried 7 – 0 – 0.**

### **COUNCIL COMMENTS:**

Councilmember Catlin asked staff to follow-up on revisions to the CB 79 legislation.

Councilmember Stullich said that while she hopes that we make a lot of progress with the Neighborhood Stabilization and Quality of Life Workgroup on certain issues, we should not wait on one issue – noise enforcement on game days. Current staffing levels are inadequate to handle the problems. We need more staff to address the problem. Mayor Fellows requested that this item, including the cost, be discussed at a future Worksession. Game days are predictable so we can plan for them.

**Adjourn:** A motion was made by Councilmember Afzali and seconded by Councilmember Day to adjourn the meeting. Mayor Fellows adjourned the meeting at 9:08 p.m. with a vote of 7 – 0 – 0.

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Janeen S. Miller, CMC  
City Clerk

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Date  
Approved

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Pursuant to §C6-3 of the College Park City Charter, at 7:02 p.m. on October 3, 2012 in the Council Chambers of City Hall, a motion was made by Councilmember Afzali and seconded by Councilmember Day to enter into a Closed Session for the following reasons:

D. To consider a matter that concerns the proposal for a business to locate in Prince George's County.

G: To Consult with Counsel on a legal matter

The motion passed 6 – 0 – 0.

**Present:** Mayor Fellows; Councilmembers Wojahn, Dennis, Catlin, Stullich, Day and Afzali.

**Absent:** Councilmembers Kabir and Mitchell.

**Also Present:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Terry Schum, Director of Planning; Bob Ryan, Director of Public Services; Steve Groh, Director of Finance.

**Topics Discussed:** The City Attorney advised the City Council about recent developments regarding the proposed Maryland Book Exchange project and the Council's options.

**Actions Taken:** None.

**Adjourn:** A motion was made by Councilmember Afzali and seconded by Councilmember Day to adjourn the Closed Session, and with a vote of 6 – 0 – 0, Mayor Fellows adjourned the Closed Session at 7:30 p.m.

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